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Paper No. 5

LAWRENCE M. LAVIN JR  
PATENT DEPARTMENT E2NA  
MONSANTO COMPANY  
800 N LINDBERGH BOULEVARD  
ST. LOUIS, MO 63167

In re Application of :  
Byrum et al. : CORRECTED  
Application No. 09/669,817 : DECISION  
Filed: September 26, 2000 :  
For: NUCLEIC ACID MOLECULES AND :  
OTHER MOLECULES ASSOCIATED WITH :  
PLANTS :  
:

**COPY MAILED**

OCT 09 2001

**OFFICE OF PETITIONS**

This is a corrected decision on the petition filed January 8, 2001 under 37 C.F.R. § 1.183 requesting waiver of the requirement of 37 C.F.R. § 1.821(c), for a paper copy of the sequences. The petition requests acceptance of a copy of the sequences provided on a compact disc.

The petition is granted.

Applicant is given TWO MONTHS from the mailing date of this notice to submit the missing parts noted below. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 C.F.R. § 1.136(a).

37 C.F.R. 1.52 was amended, effective November 7, 2000, to allow the submission of certain information on compact discs in lieu of paper. Any electronic documents submitted in response to this petition decision must comply with 37 C.F.R. § 1.52(e) and 37 C.F.R. § 1.821 et seq. See Changes to Implement Patent Business Goals, 65 Fed. Reg. 54603, 54665 and 54681 (Sept. 8, 2000) and 1238 OG 77, 130, 131, 145 and 146 (September 19, 2000).

The compact disc filed on September 26, 2000, is understood to be part of the specification of the application as now permitted by 37 C.F.R. § 1.52. Applicant has not complied with 37 C.F.R. § 1.52(e) and 37 C.F.R. § 1.821(f) which require petitioner to file the Computer Readable form required by 37 C.F.R. § 1.821(f) AND two compact discs per 37 C.F.R. § 1.52(e).

Applicant is required to file two compact discs labeled "copy 1" and "copy 2" which are identical to the originally filed disc. Applicant is also required to file a statement that the disc filed September 26, 2000, is the same as copy 1 and copy 2. An amendment to the specification incorporating by reference the material on the compact discs and the files contained on the compact discs is also required. See 37 C.F.R. §§ 1.52(e), 1.77(b)(4) and 1.823(a)(2).

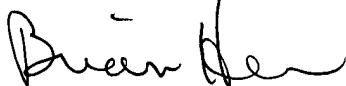
After this decision is mailed, the application will be returned to the Office of Initial Patent Examination (OIPE).

Any response to this decision should be mailed to:

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The instant application will be retained by OIPE for a period of TWO MONTHS from the date of the instant Decision to await any response thereto.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.



Brian Hearn  
Senior Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy